

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SANDRA DRAKE and RANDY SMITH, )  
on behalf of themselves and others )  
similarly situated, )

Plaintiffs, )

vs. )

STEAK N SHAKE OPERATIONS, INC. )  
(an Indiana Corporation) )

Defendant. )

Case no.: 4:14-cv-1535

**CONSENT MOTION TO DISMISS CERTAIN  
OPT-IN PLAINTIFFS WITHOUT PREJUDICE**

COME NOW the Plaintiffs, by and through their counsel of record, and hereby move this Court for an order to dismiss the following nine opt-ins from this matter without prejudice. From the pay data produced by the Defendant in this matter, these following persons were not employed in the “Manager” position at issue in this case within three years of the filing of their consent to join forms, and therefore, under the FSLA fall outside the statute of limitations.

| <u>Last Name</u> | <u>First Name</u> |
|------------------|-------------------|
| Bray             | Drew              |
| Candies          | LaKisha           |
| Douglas          | James Lee         |
| Ginn             | Derrick           |
| Hogan            | Marie             |
| Nance            | Bradley           |
| Throgmorton      | Dustin            |
| Vincent          | Anmad             |
| West, Jr.        | Roy Lee           |

On December 7, 2016, counsel for Plaintiffs sent each of these persons a letter informing them of this fact, the dates involved, and invited them to challenge the information if they believed it was incorrect. None of these persons responded. Defendant is not opposed to the request made hereing.

WHEREFORE, the Plaintiffs respectfully request that these nine persons be dismissed from this matter without prejudice.

Respectfully submitted,

the law office of

**DONELON, P.C.**

www.donelonpc.com

the law office of

**DONELON, P.C.**

www.donelonpc.com

/s/ Brendan J. Donelon

Brendan J. Donelon, MO #43901

420 Nichols Road, Suite 200

Kansas City, Missouri 64112

Tel: (816) 221-7100

Fax: (816) 709-1044

brendan@donelonpc.com

Daniel W. Craig, MO #43883

6614 Clayton Rd., #320

St. Louis, Missouri 63117

Tel: (314) 297-8385

Fax: (816) 709-1044

[dan@donelonpc.com](mailto:dan@donelonpc.com)

ATTORNEYS FOR PLAINTIFFS

### **Certificate of Service**

Plaintiffs hereby certify that a true and correct copy of the foregoing was sent on January 10, 2017 to the following Defense counsel of record email addresses per the requirements of this Courts CM/ECF practices and procedures.

Trish Martin

Andrew C. Johnson

LITTLER MENDELSON, P.C.

One Metropolitan Square

211 North Broadway, Suite 1500

St. Louis, MO 63102

Telephone: 314.659.2000

Facsimile: 314.659.2099

[pmartin@littler.com](mailto:pmartin@littler.com)

[anjohnson@littler.com](mailto:anjohnson@littler.com)

Attorneys for Defendant